

1 PHILIP M. MILLER (SBN 87877)
KIMBERLY A. HANCOCK (SBN 205567)
2 SALTZMAN & JOHNSON LAW CORPORATION
44 Montgomery Street, Suite 2110
3 San Francisco, CA 94104
(415) 882-7900
4 (415) 882-9287 – Facsimile
pmiller@sjlawcorp.com
5 kmcculloch@sjlawcorp.com
msicula@sjlawcorp.com

6 Attorneys for Plaintiffs
7

8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 (SAN FRANCISCO DIVISION)

11 AUTOMOTIVE INDUSTRIES PENSION
TRUST FUND, BILL BRUNELLI, Trustee,
12 JAMES H. BENO, Trustee, STEPHEN J.
MACK, Trustee, CHRIS CHRISTOPHERSEN,
13 Trustee, DON CROSATTO, Trustee, MARK
HOLLIBUSH, Trustee, GEORGE HALL, JR.,
14 Trustee, CHARLES J. DI BARI, Trustee,
DOUGLAS CORNFORD, Trustee, and
15 JAMES V. CANTERBURY, Trustee,

16 Plaintiffs,

17 v.

18 CAPITOL DODGE, INC., a California
corporation, doing business as HARTZHEIM
DODGE,
19

20 Defendant.

Case No.: C-10-04607 SBA

JUDGMENT

21 Defendant CAPITOL DODGE, INC., a California corporation, doing business as
22 Hartzheim Dodge, having failed to appear, its default having been entered, and upon application of
23 the Plaintiffs for a judgment by default,

24 IT IS HEREBY ORDERED as follows:

25 1. The Court GRANTS Plaintiffs' Motion for Default Judgment.

26 2. The Court enters judgment by default in favor of Plaintiffs and against Defendant

27 CAPITOL DODGE, INC., a California corporation, doing business as Hartzheim Dodge, in the
28 amount of \$2,008,862.22 for assessed withdrawal liability, liquidated damages, interest through

1 April 15, 2011 and attorney's fees and costs together with interest at the rate of \$312.01 per day
2 from April 16, 2011 through the date the Court enters judgment.

3 3. Defendant is indebted and shall pay to Plaintiffs the total amount of \$2,008,862.22,
4 plus interest at the rate of \$312.01 per day from April 16, 2011, through the date of judgment
5 itemized as follows:

6 (a) Delinquent withdrawal liability assessed on September 30, 2010 in the amount
7 of \$1,626,935.00;

8 (b) Liquidated damages on the delinquent withdrawal liability at 20% in the
9 amount of \$325,387.00;

10 (c) Interest on the delinquent withdrawal liability through April 15, 2011 in the
11 amount of \$38,373.22, as well as interest at the rate of \$312.01 per day from April 16, 2011
12 through the date of the entry of this judgment;

13 (d) Attorneys' fees in the amount of \$13,440.00;

14 (e) Costs incurred in the litigation of this matter in the amount of \$4,727.00;

15 4. IT IS FURTHER ORDERED that Defendant, CAPITOL DODGE, INC., a
16 California corporation, doing business as Hartzheim Dodge, promptly shall produce to Plaintiffs
17 pursuant to its obligation under ERISA §4219(a), 29 U.S.C. §1399(a) information to enable
18 Plaintiffs to determine withdrawal liability matters including but not limited to the following
19 documents:
20

21 (i) Hartzheim's stock certificates and stock ledger,

22 (ii) identification of other businesses or trades owned by owners of Hartzheim,

23 (iii) documents showing percentage of ownership of Hartzheim's owners in other
24 businesses or trades, including stock certificates, stock ledgers and/or operating
25 agreements and membership interest certificates and ledger,


26 (iv) Hartzheim's tax returns for years 2005 - 2007 and 2009,

27 (v) tax returns of all owners of Hartzheim for the years 2005 - 2009,
28

- 1 (vi) Hartzheim's annual financial statements, both audited and unaudited, prepared on
2 or after January 1, 2005,
- 3 (vii) Hartzheim's accounting records for years ending on or after January 1, 2005,
4 including the general ledger, trial balance, accounts payable journal and cash
5 disbursements journal,
- 6 (viii) lease agreement for the dealership property,
- 7 (ix) all notes or loans between Hartzheim and any owner(s), and
- 8 (x) any other information or documents requested by Plaintiffs reasonably necessary to
9 determine members of Hartzheim's control group and whether any transactions to
10 evade or avoid withdrawal liability have occurred.

11
12 IT IS SO ORDERED AND ADJUDGED.

13
14
15 Dated: __6/14/11


HON. SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE